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Attorneys for Plaintiff
pediped Infant Footwear LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDIPIED INFANT FOOTWEAR LLC,

Plaintiff,

v.

KUDOS LEATHERGOODS LTD d/b/a
JACK AND LILY and ROBERT THOMAS
BUELL, Individually,

Defendants.

CASE NO. 08-CIV-3572 (LTS)

DECLARATION OF DONALD TICKNOR

I, Donald Ticknor, declare as follows:

1. I am an employee with the law firm of Baker & Hostetler LLP. Presently, I am the Document Services Coordinator of the Cleveland office's Document Services Department (DSD). This Declaration is based upon my personal knowledge, and if called as a witness, I would testify competently to the facts set forth herein.

2. The Cleveland DSD provides, among other things, a wide range of services for the law firm's attorneys and staff. Some of our services include preparing a Table of Contents, Table of Authorities, performing mail merges, formatting documents and screen capturing.

3. On August 19, 2008, Melinda M. Lothes, an attorney with Baker & Hostetler LLP in the Cleveland office, contacted me by email to request that I capture screen shots of certain pages on the Jack and Lily website, <jackandlily.com>.

4. Also on August 19, 2008, I used screen capturing software called "SnagIt" to carry out Ms. Lothes' request. SnagIt allows a user to take a "snapshot" of anything appearing on the user's computer screen. Each "snapshot" is an exact representation of the image appearing on the user's computer screen. To carry out Ms. Lothes' request, I clicked on each of the hyperlinks (web addresses) in Ms. Lothes email. Each link brought up a page from the Jack and Lily website on my computer screen. I then captured each page's image using SnagIt. Once I captured the image of each web page as it appeared on my computer screen, I saved the screen captures to my computer as .jpg files. I then inserted each .jpg file into the Microsoft Word document attached hereto as Exhibit A.

5. On August 21, 2008, I inserted the URL address corresponding to each web page I captured into the Word document attached as Exhibit A. I also captured the following text, which appeared on each page I visited on the Jack and Lily website on August 21, 2008:

When I clicked on the text above on each page, I was directed in each case to the web page located at <http://www.jackandlily.com/bag.html>, which showed the pink and blue packaging depicted on Exhibit A.

6. It was not difficult to locate the web page showing this pink and blue packaging. In fact, it was obvious since the text above states: "Jack and Lily shoes are packaged in our clear, keepsake bag. click to view."

7. The entire process I used to capture the images shown on Exhibit A is as follows:

- Navigate to the appropriate web page by clicking on the link contained in Ms. Lothes' email
- Capture the web page with SnagIt
- Capture the pink text/link with SnagIt
- Click on the pink text/link
- Capture that web page with SnagIt

8. The images shown in the document attached as Exhibit A are exact representations of the pages I visited on the website <jackandlily.com>, as those pages appeared on my computer screen on August 19, 2008 and August 21, 2008.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed at Cleveland, Ohio this 21st day of August, 2008.


Donald Ticknor

EXHIBIT A

Jack and Lily.com

8-19-08

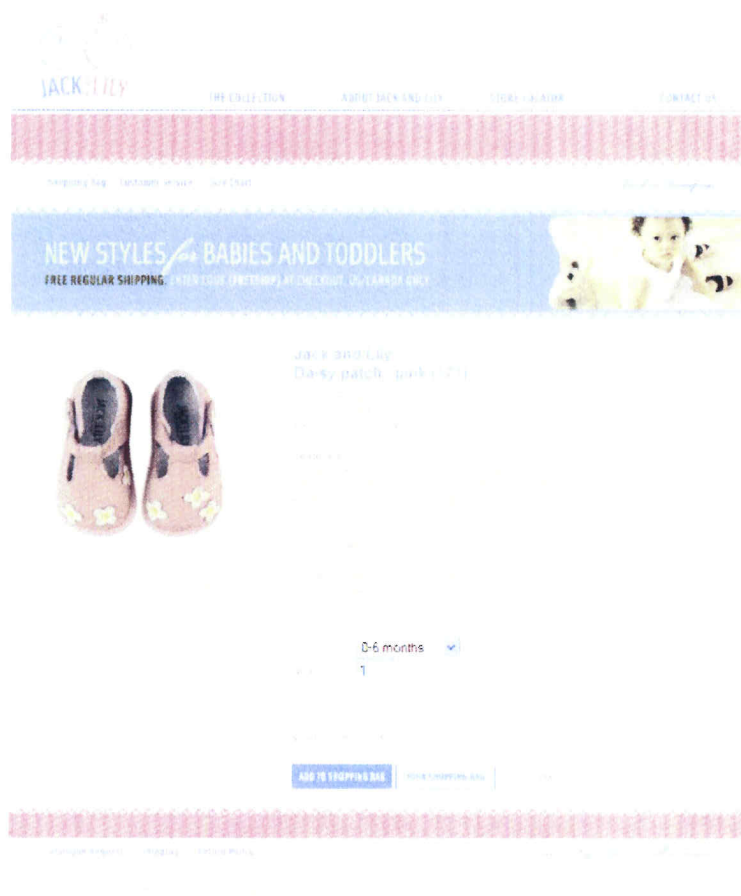


<http://www.jackandlily.com/c378006187p17104369.2.html>

Clicked on above text/link



<http://www.jackandlily.com/bag.html>

Jack and Lily.com**8-19-08**

<http://www.jackandlily.com/c378006187p17075316.2.html>

Clicked on above text/link



<http://www.jackandlily.com/bag.html>

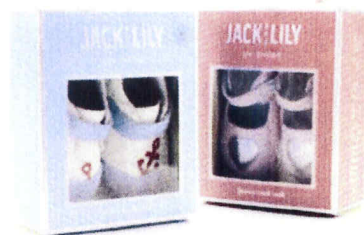
Jack and Lily.com

8-19-08



<http://www.jackandlily.com/c378006187p17104391.2.html>

Clicked on above text/link



<http://www.jackandlily.com/bag.html>

Jack and Lily.com

8-19-08



<http://www.jackandlily.com/c378006187p17104412.2.html>

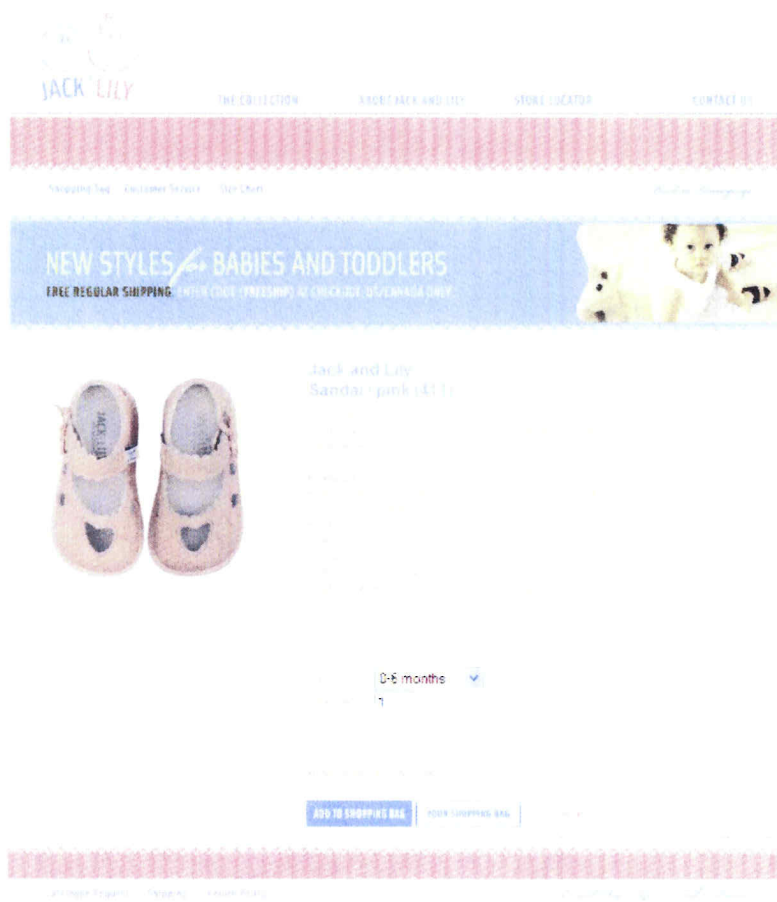
Clicked on the above text/link



<http://www.jackandlily.com/bag.html>

Jack and Lily.com

8-19-08



<http://www.jackandlily.com/c378006187p17104381.2.html>

Clicked on the above text/link



<http://www.jackandlily.com/c378006187p17104381.2.html>

Jack and Lily.com

8-19-08

Update 8-21-08

Added hyperlinks (web addresses), clip of linked text on web page and text of web navigation process instructions.

Capture process:

1. Navigate to the appropriate web page by clicking on the link
2. Capture the web page with Snagit
3. Capture the pink text/link with Snagit
4. Click on the pink text/link
5. Capture the web page with Snagit